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■ TOLER  
■ LARSON  
& ABEL, L.L.P.

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**FACSIMILE COVER SHEET**

**DATE:** December 19, 2005

**TO:** Examiner Gopal C. RAY                   **FAX NO.:** 571-273-8300  
USPTO GPAU 2111

**FROM:** Ryan S. Davidson  
Reg. No.: 51,596

**RE U.S. App. No.:** 10/757,882, filed January 15, 2004

**Applicant(s):** Gordon F. CARUK

**Atty Dkt No.:** 1376-0200400

**Title:** METHOD AND DEVICE FOR TRANSMITTING DATA

**NO. OF PAGES (including Cover Sheet):** 4

**MESSAGE:**

Attached please find:

- Transmittal Form (1 pg)
- Response to Restriction Requirement (2 pgs)

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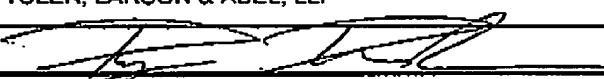
PTO/SB/21 (09-04)

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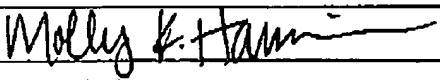
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/757,882
		Filing Date	January 15, 2004
		First Named Inventor	Gordon F. CARUK
		Art Unit	2111
		Examiner Name	Gopal C. RAY
Total Number of Pages in This Submission	3	Attorney Docket Number	1376-0200400

ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):	
Remarks			
CUSTOMER NO.: 34456			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	TOLER, LARSON & ABEL, LLP		
Signature			
Printed name	Ryan S. Davidson		
Date	December 19, 2005	Reg. No.	51,596

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Molly K. Harrison
	Date
	December 19, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NO. 4538 P. 3

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Gordon F. CARUK.

Title: METHOD AND DEVICE FOR TRANSMITTING DATA

App. No.: 10/757,882 Filed: January 15, 2004

Examiner: Gopal C. RAY Group Art Unit: 2111

Atty. Dkt. No.: 1376-0200400

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

The USPTO has restricted claims 1-32 of this application into Group I (claims 1-30) and Group II (claims 31 and 32).

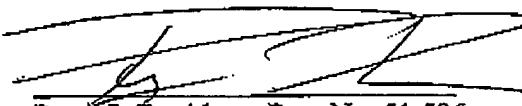
Applicant elects the claims of Group I (claims 1-30) and provisionally withdraws the non-elected claims of Group II (Claims 31 and 32). The restriction is respectfully traversed in order to preserve the issue for subsequent petition since the examination of all of the claims is not believed to create an undue burden on the USPTO and that the subject matter among the groups is not independent and distinct as required by statute. Furthermore, different classifications as recited by the USPTO are not independent adequate grounds for restriction since the USPTO has historically examined applications containing multiple sets of claims.

In summary, Applicant elects the claims of Group I for further prosecution and provisionally withdraws the non-elected claims from consideration. Reconsideration and further prosecution on the merits of the claims of Group II are respectfully requested.

Respectfully submitted,

19 December 2005

Date

  
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